

REMARKS

Receipt of the Office Action of August 25, 2004 is acknowledged. Reconsideration of the rejection of Claims 1-7 is respectfully requested in view of the above amendments and the following argument.

A. Substituted Pages of Specification and Claims

Applicant encloses substitute pages 1-14 to replace the currently filed pages of the specification, claims and abstract. The substitution is necessary due to a typographical error that occurs in numerous places of the originally filed specification and abstract, namely the omission of the symbol for the Greek letter gamma, which is an integral part of the IUPAC name of the compound. Applicant's attorney did not notice the omission of the "gamma" symbol in the final printed document, which was due to a software problem in the printer.

The addition of the symbol at the various places in the specification does not constitute addition of new matter for the following reasons: 1) the compound structure was provided in the specification; 2) L-gamma methylene glutamic acid is a well-known compound, and is identified in a number of prior art patents and publications disclosed in the originally filed specification; and 3) the addition does not add anything of substance to the specification, but merely corrects a previously overlooked typographical error.

B. Section 112 Rejection

Claims 1-7 were initially rejected under 35 USC 112, second paragraph as being indefinite. In particular, the Examiner objected to the following words included in Claim 1- “substantially”, “analogs” and “derivative”.

Applicant has submitted herewith amendments to the Claims, which are now definite and precise as defined in the second paragraph of Section 112. The words analogs and derivative have been eliminated and the claims rewritten to more precisely define the intermediate compounds that are formed throughout the various steps of the claimed process. The word “analogs” has been changed to esters, to coincide with the type of compounds identified in the specification (page 7, lines 9-11, and in several of the Examples) where R_1 and R_2 are alkyl groups.

Applicant submits that sufficient support does exist in the original specification for the inclusion the word “substantially”. The Examiner is referred to the originally filed specification, Examples 6 and 7 (page 11), where “substantially pure” is defined with clarity. Applicant respectfully submits that inclusion of the term “substantially pure” is clear under the requirements of the second paragraph of section 112, and reconsideration of this part of the rejection is respectfully solicited.

In conclusion, with the deletion of analogs and derivative, Applicant submits that the claims, as amended are in proper form for allowance under section 112. Applicant has also reviewed the prior art cited but not relied upon, and agrees with the Examiner’s conclusion that the reference neither anticipates nor renders obvious the Applicant’s claimed process. Applicant therefor respectfully requests that this case be passed to Allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Thomas J. Dodd', with a large, stylized circular flourish at the end.

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